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**BEFORE THE ARIZONA BOARD
OF MASSAGE THERAPY EXAMINERS**

In the Matter of

DENNIS SILVAN, LMT

Holder of License No. MT-12057
As a Massage Therapist
In the State of Arizona

Board Case No. 19-141

**CONSENT AGREEMENT
(Probation)**

9 In the interest of a prompt and judicious settlement of this case, consistent with the
10 public interest, statutory requirements and the responsibilities of the Arizona State Board
11 of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Dennis Silvan
12 ("Respondent"), holder of Massage Therapist License Number MT-12057 in the State of
13 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
14 of Law and Order ("Consent Agreement") as a final disposition of this matter.

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RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that Respondent has a right to a public administrative hearing concerning this matter, at which hearing Respondent could present evidence and cross examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

1 3. Respondent affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

3 4. Respondent understands that this Consent Agreement or any part of the
4 agreement may be considered in any future disciplinary action by the Board against
5 Respondent.

6 5. Respondent understands this Consent Agreement deals with Board case
7 number 19-141 involving allegations that Respondent engaged in conduct that would
8 subject Respondent to discipline under the Board's statutes and rules. The investigation
9 into these allegations against Respondent shall be concluded upon the Board's adoption
10 of this Consent Agreement.

11 6. Respondent understands that this Consent Agreement does not constitute a
12 dismissal or resolution of any other matters currently pending before the Board, if any,
13 and does not constitute any waiver, express or implied, of the Board's statutory authority
14 or jurisdiction regarding any other pending or future investigation, action or proceeding.

15 7. Respondent also understands that acceptance of this Consent Agreement
16 does not preclude any other agency, subdivision, or officer of this State from instituting
17 any other civil or criminal proceedings with respect to the conduct that is the subject of
18 this Consent Agreement.

19 8. Respondent acknowledges and agrees that, upon signing this Consent
20 Agreement and returning this document to the Board's Executive Director, Respondent
21 may not revoke Respondent's acceptance of the Consent Agreement or make any
22 modifications to the document regardless of whether the Consent Agreement has been
23 signed by the Executive Director. Any modification to this original document is
24 ineffective and void unless mutually agreed by the parties in writing.

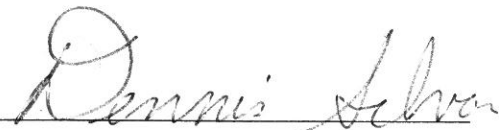
1 9. This Consent Agreement is effective only when signed by the Executive
2 Director on behalf of the Board.

3 10. If a court of competent jurisdiction rules that any part of this Consent
4 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
5 shall remain in full force and effect.

6 11. Respondent understands that this Consent Agreement is a public record that
7 may be publicly disseminated as a formal action of the Board and may be reported as
8 required by law to the National Practitioner Data Bank or other such databases.

9 12. Respondent agrees that the Board will adopt the following Findings of Fact,
10 Conclusions of Law and Order.

11
12 ACCEPTED AND AGREED BY RESPONDENT

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Dated: 3-22-19

15 Dennis Silvan
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17 **FINDINGS OF FACT**

18 1. The Board is the duly constituted authority for licensing and regulating the
19 practice of Massage Therapy in the State of Arizona.

20 2. Respondent is the holder of license number MT-12057 to practice as a
21 Massage Therapist in the State of Arizona.

22 3 On November 8, 2018, Respondent was arrested on assault charges related
23 to a domestic violence incident in Maricopa County, Arizona.

24 4. On January 8, 2019, Respondent pleaded guilty to one count of Aggravated
25 Assault, a class-six felony.
26

5. On February 13, 2019, Respondent was sentenced to two years of supervised probation and ninety days of incarceration, among other terms.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-4201 *et seq.*

2. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(1) (failing to meet or maintain the requirements for an original license under section 32-4222), as it relates to A.R.S. §§ 32-4222(A)(4) (requiring license applicants to be of good moral character), and -4222(A)(6)(b) (requiring an applicant to not have been convicted of a 6 felony offense involving moral turpitude that has a reasonable relationship to the practice of massage therapy).

3. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253 (A)(10) (engaging in conduct that could harm the public).

4. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(23) (violating Board statutes, rules, or orders).

ORDER

IT IS HEREBY ORDERED that License Number MT-12057 issued to Dennis Silvan to practice as a massage therapist in the State of Arizona is hereby placed on probation subject to the following terms and conditions:

1. Probation to Coincide with Criminal Probation.

The term of Respondent's probation shall be two (2) years or until such time as he is released from probation in his criminal case, whichever is sooner.

1 2. **Termination of Probation.**

2 Respondent must request that the Board terminate his probation when it has
3 elapsed, regardless of whether that comes at the end of two years or when he is released
4 from his criminal probation. If Respondent seeks to end his probation because he has
5 completed his criminal probation, he must provide satisfactory written evidence to the
6 Board that he has completed his probation successfully. Failure of the Respondent to
7 request that the Board terminate his probation or to provide documentation of his
8 compliance with his criminal probation shall cause his probation to continue beyond the
9 time referenced above and until such time as Respondent makes a request or provides the
10 necessary documentation.

11 3. **Violation of Criminal Probation.**

12 Respondent shall notify the Board if he is charged with or found to have violated
13 the terms of his criminal probation within ten (10) days of such charge or finding. A
14 violation of Respondent's criminal violation shall be deemed a violation of this Consent
15 Agreement and constitute a separate violation of A.R.S. § 32-4253(A)(23) (violating a
16 Board Order).

17 4. **General Provisions.**

18 a. Respondent shall pay all necessary fees throughout the term of
19 Respondent's probation to maintain Respondent's massage therapy license in active
20 status.

21 b. Throughout the term of Respondent's probation, Respondent shall
22 personally appear before the Board when requested to do so by the Board or its staff.

23 c. Respondent shall obey all federal and state laws and rules governing the
24 practice of Massage Therapists.

25 d. Respondent shall pay all costs associated with complying with this Order.
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1 e. If Respondent violates this Order in any way or fails to fulfill the
2 requirements of this Order, the Board, after giving the Respondent notice and the
3 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
4 Respondent's license. The issue at such a hearing will be limited solely to whether this
5 Order has been violated.

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7 DATED this 27th day of March, 2019.

8
9 ARIZONA STATE BOARD OF MASSAGE
THERAPY

10 (Seal)

11
12 By: 

13 Thomas Augherton
Executive Director

14 ORIGINAL OF THE FORGOING FILED
15 this 27th day of March, 2019, with:

16 Arizona State Board of Massage Therapy
17 1740 West Adams, Suite 3401
Phoenix, Arizona 85007

18 EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED
19 this 27th day of March, 2019, to:

20 Dennis Silvan
21 Dennis James Silvan
22 11411 N 91st Avenue #98
Peoria, Arizona 85345
dennissilvan@yahoo.com
Respondent

23 Michael Raine
24 Assistant Attorney General
25 Michael.Raine@azag.gov
Attorney for the Board

26 By: 

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